

In the claims:

1. (Currently amended) An isolated promoter sequence for the human telomerase RNA (hTR) gene, consisting of ~~comprising at least 272 bp upstream and at least 69 bp downstream of a transcription start site of said hTR gene as shown in Fig 4a (SEQ ID NO: 36),~~ a sequence having 95% homology with SEQ ID NO: 36, or a functional fragment of either, said sequence or functional fragment initiating ~~which initiates~~ transcription of DNA operably linked downstream of said promoter sequence.

2. (Currently amended) The isolated promoter sequence according to claim 1 wherein the promoter sequence is construct hProm505, nucleotides 422 to 867 of ~~as shown in Fig 4a (SEQ ID NO: 36)~~ or a sequence having 95% homology therewith.

3. (Currently amended) The isolated promoter sequence according to claim 1 wherein the promoter sequence is construct hProm867 ~~as shown in Fig 4a (SEQ ID NO: 36) upstream of the transcription start site.~~

4. (Canceled)

5. (Previously presented) The isolated promoter sequence according to claim 1 operably linked to a heterologous nucleic acid coding sequence or gene.

6. (Previously presented) A nucleic acid construct comprising the promoter sequence according to claim 1, operably linked to a heterologous gene.

7. (Previously presented) The nucleic acid construct according to claim 6, wherein the heterologous gene encodes a

cytotoxin.

8. (Previously presented) A vector comprising the isolated promoter sequence according to claim 1.

9. (Previously presented) An isolated host cell comprising the isolated promoter sequence according to claim 1.

10. (Previously presented) An isolated host cell comprising the nucleic acid construct according to claim 6.

11-27. (canceled)

28. (Previously amended) An isolated host cell comprising the nucleic acid construct according to claim 7.

29. (Canceled)

30. (Currently amended) The isolated promoter sequence according to claim 1 wherein the promoter sequence is construct hProm697, nucleotides 170 to 867 of as shown in Fig 4a, (SEQ ID NO: 36) or a sequence having 95% homology therewith.

31. (Currently amended) The isolated promoter sequence according to claim 1 wherein the promoter sequence is construct hProm341, nucleotides 527 to 867 of as shown in Fig 4a (SEQ ID NO: 36) or a sequence having 95% homology therewith.

32-44 (Canceled)

45. (Previously presented) The nucleic acid construct according to claim 6, wherein the heterologous gene encodes an

enzyme capable of converting a prodrug to an active compound.

46. (New) An isolated promoter sequence for the human telomerase RNA (hTR) gene, comprising construct hProm697, nucleotides 170 to 867 of SEQ ID NO: 36, said promoter sequence initiating transcription of DNA operably linked downstream of said promoter sequence.

47. (New) The isolated promoter sequence according to claim 46, wherein the promoter sequence comprises construct hProm867 (SEQ ID NO: 36).

48. (New) The isolated promoter sequence according to claim 46 operably linked to a heterologous nucleic acid coding sequence or gene.

49. (New) A nucleic acid construct comprising the promoter sequence according to claim 47, operably linked to a heterologous gene.

50. (New) An isolated host cell comprising the promoter sequence of claim 46.

51. (New) An isolated host cell comprising the sequence of claim 48.

52. (New) An isolated host cell comprising the sequence of claim 49.